

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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2004 JUN -2 P 2:14

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION No. 03-12221-MLW

**STIPULATED ORDER OF DISMISSAL OF
PLAINTIFF'S CLAIMS AGAINST
COLUMBIA UNIVERSITY**

BAXTER HEALTHCARE CORPORATION,

Plaintiff,

v.

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Defendant.

Whereas, Plaintiff Baxter Healthcare Corporation ("Plaintiff") filed this action on November 12, 2003, against Defendant The Trustees of Columbia University in the City of New York ("Defendant"); and

Whereas, the parties have entered into an agreement to settle Plaintiff's claims against Columbia on certain terms and conditions set forth in their agreement;

NOW, THEREFORE, the parties hereby stipulate and agree, by and through their respective counsel of record, that the Court enter the following Stipulated Order of Dismissal, which shall be binding upon them:

1. The Court has specific personal jurisdiction over the parties for purposes of this action only.
2. All of Plaintiff's claims against Defendant in the above-captioned action are hereby dismissed with prejudice.

3. The parties shall bear their own costs and attorneys' fees in connection with the above-captioned action. In addition, the parties waive all rights to appeal this Stipulated Order of Dismissal.

Dated: June 1, 2004

FOLEY HOAG LLP

By: Donald R. Ware
Donald R. Ware
Attorneys for Plaintiff Baxter Healthcare Corporation

Dated: 6/2, 2004

GRIESINGER, TIGHE & MAFFEI, LLP

By: Thomas F. Maffei
Thomas F. Maffei
Attorneys for Defendant
The Trustees of Columbia University in the City of New York

ORDER

Pursuant to the Stipulation between Plaintiff and Defendant, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The Court has specific personal jurisdiction over the parties for purposes of this action only.
2. All of Plaintiff's claims against Defendant in the above-captioned action are hereby dismissed with prejudice.
3. The parties shall bear their own costs and attorneys' fees in connection with the above-captioned action. In addition, the parties waive all rights to appeal this Stipulated Order of Dismissal.

Dated: , 2004

HON. MARK L. WOLF
UNITED STATES DISTRICT JUDGE

MORRISON, MAHONEY & MILLER, LLP

COUNSELLORS AT LAW

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June 2, 2004

By Facsimile No. (617) 748-9096 and MailDennis O'Leary,
Clerk for the Honorable Mark L. Wolf
United States District Court - Clerk's Office
John Joseph Moakley United States Courthouse
One Courthouse Way
Boston, MA 02210Re: John Hancock Life Insurance Company v. GAN Insurance Company Limited
Docket No. 03-10691 MLW
Our File No. 10004615

Dear Sir/Madam:

As we discussed today, by this letter, the parties in the above-referenced matter are jointly requesting a one-week extension of time to report to the court regarding whether they have reached an agreement regarding the identity of the umpire in this matter. Since the time of the May 19 hearing, the parties have been in discussions about possible umpires. This is a process is complicated by the need to research potential candidates, contact them regarding their willingness and ability to serve as umpires in this matter, and confer with our respective clients regarding potential candidates. The parties believe that an additional one week would help facilitate this process.

Thank you for your cooperation in this matter.

Very truly yours,


Michael J. Racette

Enclosures

cc: Francis A. O'Connor, III, Esq. (by facsimile (401) 273-2904 and mail)